

REMARKS

Claims 80-83 and 87-90 are currently pending. Claim 80 is currently amended. Support for the amended claim is found throughout the specification as originally filed, *inter alia*, in the following: page 23, lines 5-9; page 31, lines 25-28; and Example 7 and 8. Accordingly, Applicants submit that no new matter is introduced into the specification by way of the present amendments pursuant to 35 U.S.C. § 132. Applicants respectfully request entry of the amendments, reconsideration of the rejections, and allowance of the pending claims.

Claims 80-83 and 87-90 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yan *et al.* (U.S. Patent No. 5,641,749) in view of Milbrandt *et al.* (U.S. Patent No. 6,284,540). Applicants respectfully submit that this rejection is inapposite to the present claims. To establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. M.P.E.P. § 2143.03. The primary reference of Yan *et al.* is fatally defective in this regard. First, Yan *et al.* does not disclose the instantly claimed Neublabin polypeptides. Nor does it disclose treatment of retinitis pigmentosa or macular degeneration with any protein.

The secondary reference of Milbrandt *et al.* also does not disclose the treatment of treatment of retinitis pigmentosa or macular degeneration with the recited Neublabin polypeptides. Milbrandt *et al.* therefore does not cure the deficiencies of the primary reference. Nor does the Office Action rely on Milbrandt *et al.* to cure such deficiencies. This forces the conclusion that the combination of the cited references would not teach all elements of the claims, and therefore does not and can not render obvious the present claims. Accordingly, Applicants request withdrawal of this rejection.

CONCLUSION

An indication of allowance of all claims is respectfully solicited. Early notification of a favorable consideration is respectfully requested. In the event any issues remain, Applicant would appreciate the courtesy of a telephone call to their counsel to resolve such issues and place all claims in condition for allowance.

Respectfully submitted,

Dated: January 28, 2008

By: /Sheridan K. Snedden/
Ivor R. Elrifí, Reg. No. 39,529
Sheridan K. Snedden, Reg. No. 55,998
Attorneys for Applicants
c/o MINTZ, LEVIN
Tel: (617) 542-6000
Fax: (617) 542-2241
Customer No. 30623

4177951v.2